



SECURITIES AND EXCHANGE COMMISSION
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November 23, 2022

BY CM/ECF

The Honorable Rukhsana L. Singh
United States Magistrate Judge
United States District Court
District of New Jersey
Clarkson S. Fisher Building
402 East State Street
Trenton, New Jersey 08608

Re: *Securities and Exchange Commission v. Princeton Alternative Funding, LLC, et al., No. 3:21-cv-12971 ZNQ-RLS*

Dear Hon. Magistrate Judge Singh:

Plaintiff Securities and Exchange Commission ("Plaintiff" or "SEC") and Defendants, Princeton Alternative Funding, LLC, Microbilt Corporation, Phillip N. Burgess, Jr., Walter Wojciechowski, and John Cook, Jr., (collectively "Defendants") (Defendants and Plaintiff are collectively the "Parties"), by and through their undersigned counsels, submit this joint letter in accordance with the Court's November 15, 2022 Order. The Parties set forth the status of the discovery in this case.

Discovery Stayed Pending Mediation

On September 16, 2022, the Parties informed your Honor that they had agreed to submit this matter to a mediator and requested a modification in the existing discovery schedule. (Dkt. No. 34). The Court granted the Parties discovery requests. (Dkt. No. 35). On September 22, 2022, the Parties requested the Court to refer the matter to Honorable Michael B. Kaplan, U.S.B.J., for mediation. On September 23, 2022, the Court granted the Parties' request and referred the matter to Judge Kaplan for mediation. (Dkt. No. 37). The Court also stayed all other proceedings in this case, but ordered that "discovery as an aid to mediation may be conducted as agreed to by the mediator and counsel. Any discovery conducted shall be limited to the exchange of those documents necessary to facilitate mediation." *Id.*

On October 11, 2022, the Parties wrote to Judge Kaplan seeking a status conference to discuss the mediation schedule and to request limited discovery to aid in the mediation, in the

form of written discovery and one deposition. (Dkt. No. 39). Judge Kaplan conducted a mediation status conference on October 26, 2022. At that hearing, Judge Kaplan ordered the Parties to conduct limited discovery in aid of the mediation and set December 20-22 as the mediation dates.

Since the status conference, the Parties have conducted limited discovery to facilitate the mediation of this case. Some of that discovery remains outstanding, but with a few exceptions, the Parties anticipate that discovery shall be completed in time to aid the mediation in late December.

As this Court is aware, Defendants filed an Emergency Motion to Compel third-party Wesley McKnight to produce documents and information in compliance with the third-party subpoena, and to testify at deposition on November 2, 2022. (Dkt. 40). It is the parties' understanding that the Court will decide this motion on the papers.

Defendants may also bring a Motion to Compel compliance with the third-party subpoena issued to Ballard Spahr LLP on or about September 6, 2022. On or about September 14, 2022, Ballard Spahr generally objected to all document requests via letter and have refused to produce any documents to date. Defendants' counsel is working to resolve this, however it may be necessary to file a Motion to Compel.

Respectfully submitted,

<u>/s/ James E. Smith</u> James Smith SECURITIES AND EXCHANGE COMMISSION 100 F Street, NE Washington, DC 20549 (202) 551-5881 (Smith) smithja@sec.gov <i>Counsel for Plaintiff</i>	<u>/s/ Daniella Gordon</u> Richard Scheff Daniella Gordon Armstrong Teasdale, LLP 2005 Market Street 29 th Floor, One Commerce Center Philadelphia, PA 19103 (267) 780-2017 rscheff@atllp.com John A. Sten Allison McFarland Armstrong Teasdale, LLP 800 Boylston Street 30 th Floor Boston, MA 02199 (617) 824-5128 jsten@atllp.com <i>Counsel for Defendants</i>
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